

Partly cloudy and cooler to night. Wednesday fair and cooler.

PRISON FOR GOMPERS AND HIS ASSOCIATES; SENTENCE AFFIRMED

Court of Appeals Upholds
Justice Wright's Decree in
Contempt Case.

CHIEF JUSTICE SHEPARD FILES DISSENTING OPINION

Holds That Lower Court Was With-
out Authority to Issue Order.

ATTEMPT TO APPEAL PROBABLE

Defendants Meanwhile to Remain at
Liberty Under Bail—Lawyers
Divided Over Finality of
Present Decision.
Gompers Absent.

The decree of Justice Wright of the District Supreme Court, adjudging Samuel Gompers, Frank Morrison and John Mitchell, labor leaders, in contempt of court and sentencing them to serve terms of jail imprisonment of twelve, nine and six months, respectively, was affirmed today by the District Court of Appeals in an opinion by Mr. Justice Van Orsdel. Mr. Chief Justice Shepard filed a dissenting opinion and Mr. Justice Robb a concurring opinion.

Justice Van Orsdel holds that the contempt is criminal and not civil. Being criminal, it involves no element of personal injury. It is directed against the power and dignity of the court, he says, and private parties have little if any interest in the proceedings for its punishment. The failure to include in the record a bill of exception or its equivalent, crosses the record, and the court must presume that the evidence was sufficient to establish the truth of each charge contained in the petition of which the trial judge found the defendants guilty.

The court also holds that the acts of the defendants set out in the record were designed to interfere with the administration of the court's order. It is held to be unnecessary to consider the question whether the defendants could be found guilty of violating the order if the order stricken out on appeal, because the portions of the original decree not violated were sufficient to sustain the judgment of Justice Wright.

Will Attempt an Appeal.
An appeal to the United States Supreme Court will be attempted by the labor leaders, as announced by Mr. Gompers, in a recent issue of the Federationist. The right of appeal is a matter of controversy. Some lawyers hold that under the decision that the contempt is a criminal offense, the District Court of Appeals has the last word as it has in all criminal cases.

Chief Justice Shepard's Dissent.
Chief Justice Shepard, in dissenting, said: "Convinced that the court was without authority to make the order which a defendant, Gompers, Mitchell and Morrison can be said to have disobeyed, a decree should be reversed and the case remanded to the District Court for a new trial. As regards the conclusion that this proceeding must be regarded as criminal, the only consequence that the evidence on which the contempt rests can be considered, because not presented in a bill of exceptions reserved on the hearing, I am not clearly convinced that it must be so regarded. The complaint was made by the complainant on whose behalf the injunction had been granted, and for its own redress. No fine was imposed on behalf of the United States. The remedy sought in the original bill was not pecuniary. The punishment by imprisonment in disobedience of the writ was the only way in which the relief could be obtained."

"The order was announced December 17, 1907; entered December 18, 1907; but no bond was given until December 23, 1907. The specific charge is that after the granting of the order and before the giving of the bond the respondents, Gompers and Morrison, hastened to deposit in the mails the already printed number of the January Federationist, which contained the publication of the plaintiffs' name in the unfair list, and was charged that any subsequent issue of the journal contained similar libelous matter. Some general allegations are made, but no specific charges are set out. The charge is that the respondents were then and are now sending. There is another and stronger charge for my part, and that is that the respondents Morrison and Gompers are in violation of the specific charges against them relating wholly to declarations and publications which violate the preliminary injunction as issued. I have heretofore expressed the opinion that much of the injunction order was null and void and that the respondents were entitled to the freedom of the press. Subsequent review has confirmed this view. I con-

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ITS DEFEAT CLAIMED

Loss of Suffrage Amendment
in Baltimore Indicated.

HEAVY VOTE IS LIKELY

Many Found Waiting When the
Polls Are Opened.

ELECTION TRICKERY CHARGED

Democratic Managers Accused of
Trying to Win by Unfair Meth-
ods in Charles County.

Special Dispatch to The Star.

BALTIMORE, Md., November 2.—At noon today the indications were that an unusually heavy vote would be polled in all precincts of the city wards, the interest in the suffrage amendment probably being responsible for bringing out many voters who ordinarily do not interest themselves in elections.

The votes cast early in the morning represented, too, the "conservative element," who in starting out for the work of the day wished to vote and have it over in order that no chance should be left to have their names voted upon by professional politicians later in the day. The indications are that the amendment will be defeated by about 10,000 majority. Both claimants claim victory for state and city tickets.

The polls opened at 6 o'clock, and in many instances there were voters waiting at the door to mark their tickets.

In the sixth precinct of the twenty-second ward, in South Baltimore, the voting was so fast during the first hour that an average showed the record to have been more than one man a minute. Information received at the supervisors' office indicate that the election is passing quietly.

Voter Finds Himself Marked Dead.

The most unique case reported this morning was that of Henry Bolding, who, when he appeared at the polling place in the seventh precinct of the fifth ward, found himself dead, so far as the judges there were concerned. Bolding insisted that he was properly registered and was entitled to vote. The registration books showed that he had been scratched because he was supposed to be dead.

A note was hurriedly dispatched to the supervisors, announcing the facts and asking for an immediate decision. Supervisor Nice was the only one on duty at the time, and he promptly decided that Bolding could not vote. It was declared that not even an order of the supreme bench could obtain him a vote at this election.

A curious complication, in which both the voter and the registration officials may be to blame, resulted in Abraham Bennett, colored, being committed to jail by democratic judges. After having committed the man to jail both of the judges acknowledged that they had made an error in the matter, but it was too late to rectify it.

Quiet Election in Progress.

At the headquarters of the Reform League a close tab is being kept, as the officials are in touch with their watchers in all parts of the city. President Howard said that so far as he had been able to get information the election was passing off quietly. He said that the only complaint he had received was from a colored voter named Gray. He said he had been informed that he had been scratched in both the fifth and seventh precincts and that, if he attempted to vote the man would be arrested.

He said he told the judges that it would be a fair thing to notify Gray, which they said they would do.

Attempt to Steal Election Charged.

It is charged that John B. Hanna, chairman of the republican state central committee, last night blocked a bold attempt on the part of the democratic election supervisors of Charles county to steal the election in that county by substituting fake ballots in the four districts in the county for the legitimate ones. When the ballots arrived last night at La Plata on the train from Baltimore, the supervisors intended to take unusual precautions to prevent smuggling. The cutters Bear and Perry are on their way to this port from the north and on their arrival will be assigned to stations on the southern coast, while the Marlow will cruise off the coast in a lagoon below San Diego.

NEW WIRELESS FEAT.

Message Sent Last Night From the Gulf to Great Lakes.
PORT ARTHUR, Tex., November 2.—Wireless communication directly overland between the Gulf of Mexico and the great lakes of the north was established last night, when a message under the most successful conditions was flashed from the Port Arthur wireless station at 9:55 p.m., carrying the compliments of the Houston Post to the Record Herald in Chicago. The weather conditions were ideal.

Prince Regent's Anniversary.

BERGHEIM, Baden, Bavaria, November 2.—Prince Regent Luitpold of Bavaria yesterday celebrated his eighty-eighth birthday and the seventeenth anniversary of his appointment as lieutenant of artillery. He is in perfect health, apparently.



WAITING AND WATCHING.

BUTCHER SLAYS HIS FAMILY

SEVERES THE HEADS OF WIFE
AND DAUGHTER.

Follows the Horrible Crime by Com-
mitting Suicide—Believed He
Was Insane.

POTTSVILLE, Pa., November 2.—One of the worst tragedies that has ever shocked this county occurred at Pine Grove, near here, last night, when Daniel Schoke, a butcher of that place, cut off the heads of his wife and twelve-year-old daughter and then committed suicide by shooting himself. The ghastly discovery was made today when neighbors who became suspicious that something was wrong because of no sign of life about the house, broke open the front door. They found Schoke lying on the first floor and the bodies of the wife and little girl in a bed on the second floor.

Left Note Confessing Deed.

Schoke had covered the bodies with the bed clothing and after writing a note telling what he had done he went downstairs and shot himself through the head. Death in his case was instantaneous. Schoke was fifty-five years old. He was a rather peculiar and untidy disposition and several times failed in business, but his relatives came to his assistance each time and started him in business again. It is believed that he worried himself insane.

OPIMUM \$400 A POUND.

Government Ban on Drug Raises
Price in San Francisco.

SAN FRANCISCO, November 2.—Because of the ban placed upon the importation of opium by the government and the consequent rise in the price of the drug until it now sells at \$400 a pound in the Chinese quarter of this city, the great shipment of the prohibited drug is to be landed on the southern coast in a lagoon below San Diego. Orders from the Treasury Department to this effect was the result of an investigation by Special Agent George B. Channing, who has been here two weeks. Information has been gained, it is said, that a large shipment of the prohibited drug is to be landed on the southern coast in a lagoon below San Diego.

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CADETS BEAR BYRNE TO GRAVE

FOLLOW CASKET TO BEAT OF
MUFFLED DRUMS.

WEST POINT, N. Y., November 2.—Cadet Eugene A. Byrne, who died Sunday as the result of injuries received in the second half of the Harvard-West Point football game, was given a military burial in the academy cemetery here today.

The funeral was attended by the entire body of cadets, the officers of the academy and the army post, student representatives of other colleges and by scores of friends of the young soldier. The parents of Cadet Byrne stood beside the grave when the coffin was lowered into it.

Preceding the interment the cadet battalion marched to the beat of the muffled drums to the Roman Catholic chapel of the reservation, where religious ceremonies were held. There were many floral pieces sent by representatives of educational institutions and by personal friends.

THE POST WILL BE IN MOURNING FOR THIRTY DAYS.

ELECTION BULLETINS

The earliest as well as the latest news from the elections will be displayed tonight on the big screen in front of The Star building. Elections are being held today in Alabama, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Nebraska, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Virginia and Washington. The Star's returns will be received direct from the polling places by Associated Press dispatches, by bulletins, by messages over the long-distance telephone and by specials from staff and special correspondents. The service will be complete in every detail.

All Washington and vicinity are invited to come to The Star building tonight and learn the results.

MOTHER AND CHILDREN DEAD

Explosion Lamp Starts Blaze,
Which Destroys Dwelling—Three
Children Make Escape.

PITTSBURGH, November 2.—A mother and four of her children were burned to death when their home at Mount Hope, on the Frankstown road, five miles from Wilkensburg, was destroyed by fire at 6:30 o'clock this morning. The fire is said to have been caused by an exploding lamp.

The dead: Mrs. William Marlow, Clyde Marlow, Isa Marlow, William Marlow, Jr. An infant son.

Father Absent From Home.

The father is in Butler county on a hunting trip, having gone several days ago, and he knows nothing of the misfortune that befell his family this morning. Three of the Marlow children escaped from the flames. They were Lyle, eight years old; Frank and Clifford, both young men. Lyle was in the house with his mother when the fire started, but the two older boys had gone to their work at a coal mine in the neighborhood.

RESULT OF EPIDEMIC.

Unusual Malady Causes Suspension of Study in Georgia College.
LA GRANGE, Ga., November 2.—Following the strange epidemic of sickness which developed last week in the student body of the La Grange Female College, with an attendance of more than 200, the board of trustees decided today to close the institution for three weeks. Besides the many girls in the school who were stricken almost all of the others left by their homes.

In a statement issued last night by the board of trustees it is stated that "it is impossible to say what the cause of the sickness, whether general or local." It announces that every precaution will be taken in the matter of sanitation, fumigation and improvement of the hygienic conditions of the college.

Five local physicians issued a signed statement, in which they declare that there is no further danger from the cause which resulted in the illness, and saying that reports sent out greatly exaggerated the conditions at the college.

NEGRO PASSENGER KILLED.

Shot After Wounding Conductor and
Jumping From Train.
AUGUSTA, Ga., November 2.—Conductor Leek Montgomery of the Augusta Southern last night at Keyville, twenty-six miles below here, shot and killed John Williams, a negro passenger on the train. The conductor and the passenger had an altercation, and the conductor received a flesh wound in the side before the negro jumped from the train and ran. The conductor's aim was good, however, and the negro was dropped.

A Million for 1915 Exposition.

SAN DIEGO, Cal., November 2.—At a meeting of the Panama-California exposition directors last night it was decided to raise \$1,000,000 as the nucleus of the fund that will be required for holding the exposition to celebrate the opening of the canal in 1915. Stock subscription to that amount will be sold in San Diego county.

Two Prisoners Burned With Jail.

EL PASO, Tex., November 2.—Two prisoners in jail at Lordsburg, N. M., were burned to death last night in a fire that destroyed the building.

BURN BALLOT BOXES

Kentucky Feudists Do Violence
at Election.

CUT TELEPHONE WIRES

No Details Obtainable of Events at
Crockettsville.

MILITIA AT SCENE OF TROUBLE

New Ballots Sent From Jackson to
Take the Place of Those De-
stroyed or Stolen.

JACKSON, Ky., November 2.—Reports from Crockettsville and Sebastian's Branch this morning were that two attempts, one successful, had been made to steal ballots near Crockettsville precinct, at the mouth of Longs creek. The home of Mary Dealin, who held ballots for that precinct, was destroyed by fire. The ballots were burned with the house.

At Sebastian's Branch precinct the democrats are reported to have seized the ballots this morning and hidden them. The telephone wires between Jackson and Crockettsville were cut this morning. Capt. Sams and his detail of militiamen are supposed to be in that vicinity. The situation in Jackson at present is peaceful.

Incendiary or Accident?

According to their political beliefs Jackson and Breathitt county men stigmatize the firing of the Dealin home as incendiary or accidental. The most reliable report from the place, which is twenty-two miles away, is that Mrs. Dealin was feeding the Lexington soldiers, under Capt. Sams, when the fire occurred.

The ballots were reported burned, and fresh ones were furnished from Jackson. These are the ballots which an armed crowd of men threatened to take from a Jackson bank last week, and which were finally given to Mary Dealin by Judge Adams for safekeeping. Crockettsville, the home of Ed Callahan, the noted feudist, and gathering place of the warlike Breathitt county clans, today is the chief point of interest in the political war.

Troops at Crockettsville.

"What will happen at Crockettsville?" is the question on the lips of every one in Jackson. In the remote portion of Breathitt county twenty-six men of the Lexington company of state militia have been placed by Circuit Judge Adams to see that the voting is not interfered with. Crockettsville is the headquarters of former Sheriff Ed Callahan and of Berry Turner, a feudist of great reputation, while Govan Smith, alleged head of the Smith and Dean factions, an enemy of Callahan, has promised to be on hand to see that his rivals do not attempt to take the precincts for the democratic nominee for circuit judge, D. B. Redwine. The Callahans and their friends are angry because Circuit Judge Adams, candidate for re-election, today received the command of the troops to Sheriff Crawford, a Redwine partisan.

WEPT AND SAW.

Tears Restore Sight of Iowan, Who
Was Greeting His Son.

SIoux CITY, Iowa, November 2.—The sight of William Holloway was suddenly restored to him yesterday following a brief spell of weeping. When Thomas Holloway, a son who had not been home in a long time, came here to visit, the father buried his face on the son's shoulder and wept.

Wiping away the tears, Mr. Holloway exclaimed: "I can see you, Tom!" The light had returned to his eyes.

FIRING ON MOVING TARGETS.

Experiments to Be Made by Batteries
at Fort Terry.

NEW LONDON, Conn., November 2.—On the night of November 17 an interesting experiment in target practice will be made at Fort Terry, Plum Island, when the three-inch batteries will fire thirty-eight shots at a moving target, illuminated by powerful searchlights. The projectiles will be fitted with the Sempole shell tracer, so that their course can be followed during the entire flight. This is the first time projectiles have been fired at night in the Department of the East, and several prominent officers of the artillery branch of the service from Governor's Island and Washington are expected to witness the experiment. The 13th Company at Fort H. G. Wright, Fishers Island, recently established a record for three-inch guns, firing sixteen rounds in fifty seconds, the last shot demolishing the target so that the exact number of hits could not be determined.

MISSING FROM THE BALLOTS.

Amendments to Virginia Constitu-
tion Submitted to Vote of People.
Special Dispatch to The Star.

RICHMOND, Va., November 2.—There are missing from the state ticket in this city the three proposed amendments to the constitution of the state, which were passed by the last general assembly. They are regarded as very important, but for some reason they are not on the ballots.

The amendments provide first for ninety-day sessions of the general assembly instead of sixty days as at this time; for the election of city and county treasurers by the people, and allowing them to succeed themselves, which they were forbidden to do under the new constitution, and for the election of commissioners of the revenue and allowing them to succeed themselves, the same as the treasurers.

It was the duty of the city and county elections officer to see that the amendments were placed on the tickets.

O'Connor Seeking Subscriptions.

CHICAGO, November 2.—T. P. O'Connor, the parliamentarian, famous journalist and home rule leader, who came to Chicago yesterday to be the guest for three days of Irish organizations of the city, hopes to raise \$50,000 for the Irish national cause while in Chicago. In the course of an informal luncheon here on his arrival \$20,000 was pledged. R. H. McCormick, Jr., is treasurer for the fund. Mr. O'Connor seeks fifty Chicago men who will give \$1,000 each.

Two Prisoners Burned With Jail.

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MARYLAND FRANCHISE IS PRIME INTEREST

Big Battles On in New York,
Philadelphia, San Francisco,
Cleveland and Elsewhere.

REFORM CRY IS DOMINANT IN MUNICIPAL CONTESTS

Virginia Is Choosing a Governor and
State Officials.

ELECTIONS IN MANY STATES

Campaign Against Political Protec-
tion and Encouragement of
Vice All Over the
Union.

While throughout the country today the ballot will play an important part in deciding state issues, general interest here is focused on the result of the campaigns in Maryland and the big cities of the United States.

The fight in Philadelphia, the contest in Cleveland and the determined opposition in San Francisco to the election of Francis J. Heney—who is in the field for election as district attorney, after a widely known prosecution of Abe Rueff and former Mayor Schmidt and the hoodie aldermen—claim nationwide attention.

Franchise in Maryland.

In Maryland the democratic organization is lined up to secure the ratification of the disfranchising constitutional amendment. If the party is successful more than 50,000 negroes will be disfranchised.

Rhode Island is busy with a proposition to whip its organization into decent corals and sort of reform its political machine.

In Alabama the principal question appears to be the liquor question.

Governors will be elected today in Massachusetts, Rhode Island and Virginia. Minor state offices will be filled today by election in Pennsylvania, Maryland and Nebraska.

Out in Chicago a special congressional election is held for a successor in the House of Representatives to William Lorimer, who has been elected a United States senator.

In Washington a successor to Francis W. Cushman, who has died, is voted for.

The white slave trade, the social evil, and vice generally has been pretty well thrashed out in the campaigns that have closed not only in New York, but especially in Providence, R. I., and Columbus, Ohio.

Fight in Philadelphia.

In Philadelphia the state campaign has been little thought of. The fight over the office of district attorney has opened up an amazing store of charges. The reform element has lined up against the republican organization and has waged one of the hottest campaigns in recent history.

An effort has been made to get out the full strength of the vote. It is now believed that today will see the casting of ballots equal in number to that of the last presidential election.

Confidence is a characteristic of both contending forces.

The organization asserts that its candidate, Samuel P. Rotan, will be re-elected district attorney by more than 50,000 majority. His opponent, Dr. Clarence Gibbons, backed by the reform element, and running on both the William Penn ticket and the democratic ticket, is equally confident that Gibbons will bury Rotan under a 40,000 majority.

On the state ticket the republicans expect to elect a treasurer, an auditor general and a judge of the supreme court by at least 140,000 majority. But it is Philadelphia and the district attorneyship that the people are watching. The red light issue appears to have revealed strange conditions there.

Tom Johnson Campaign.

Out in Cleveland Tom Johnson is running on the democratic ticket and trying to succeed himself as mayor for his fifth consecutive term. He has made a big stump campaign and has exchanged compliments with his opponent, Herman C. Baehr.

Personalities have been indulged in. Johnson has charged an "unholy alliance" up to Baehr. About 86,000 voters are registered. Odds today slightly favor Johnson.

In San Francisco William Crocker, republican nominee, is running on an issue, "We are tired of muck raking." It is said that Heney, the big prosecutor, has enough friends who are standing by him.

The contest will be uncertain until the ballots are counted tonight.

The prohibitionists are making a big fight in Alabama. Flushed with recent victories the "drys" have taken the bull by the horns and have secured the submission of a constitutional amendment which "forever prohibits the use of liquor" in the state. This is really the important question that the voters are deciding today down there.

Massachusetts' Issues.

National issues are playing some part in the election in Massachusetts, where the people re-elect a governor, lieutenant governor, secretary of state, treasurer, state auditor and attorney general. Gov. Eben S. Draper heads the republican ticket, opposed by the democratic candidate, former State Senator James H. Valley.

The democrats are making a play for some of the tariff revision republican vote. Another important issue is the direct primaries. The veto by Gov. Draper last spring of an eight-hour bill prepared by the labor leaders has proved to be the only local issue.

There was a marked falling off in the